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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 JEROLD PIERCE,

7 Plaintiff,

8 v.

9 99 CENTS ONLY STORES LLC, A
10 CALIFORNIA LIMITED LIABILITY
11 COMPANY; DOES I-V; AND ROE
12 CORPORATIONS II-V, INCLUSIVE, *et*
al.,

Defendants.

Case No. 2:22-cv-00217-ART-VCF

ORDER ADOPTING REPORT AND
RECOMMENDATION (ECF No. 28)

13 Before the Court is the Report and Recommendation (“R&R” or
14 “Recommendation”) of United States Magistrate Judge Cam Ferenbach (ECF No.
15 28), recommending the case be dismissed for failure to comply with Court Orders
16 (ECF No. 21, 24) and for failure to prosecute. Plaintiff had until November 1,
17 2022 to file an objection. To date, no objection to the R&R has been filed. For
18 this reason, and as explained below, the Court adopts the R&R, and will dismiss
19 the case for failure to prosecute.

20 The Court “may accept, reject, or modify, in whole or in part, the findings
21 or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where
22 a party fails to object to a magistrate judge’s recommendation, the Court is not
23 required to conduct “any review at all . . . of any issue that is not the subject of
24 an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v.*
25 *Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the
26 magistrate judges’ findings and recommendations is required if, but *only* if, one
27 or both parties file objections to the findings and recommendations.”) (emphasis
28 in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that

1 the Court “need only satisfy itself that there is no clear error on the face of the
2 record in order to accept the recommendation.”)

3 Because there is no objection, the Court need not conduct de novo review,
4 and is satisfied Judge Ferenbach did not clearly err. Here, Judge Ferenbach
5 recommends this case be dismissed for failure to comply with Court Orders (ECF
6 Nos. 21, 24) and for failure to prosecute. The court has held several hearings
7 and given Plaintiff ample opportunity to prosecute this case, but Plaintiff Pierce
8 failed to appear at an in-person hearing and failed to update his address. (ECF
9 No. 28 at 2-3).

10 The Court agrees with Judge Ferenbach. Having reviewed the R&R and the
11 record in this case, the Court will adopt the R&R in full.

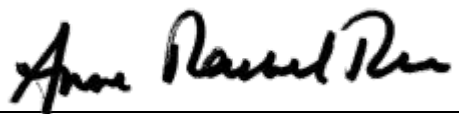
12 It is therefore ordered that Judge Ferenbach Report and Recommendation
13 (ECF No. 6) is accepted and adopted in full.

14 It is further ordered that this case is dismissed for failure to comply with
15 Court Orders (ECF Nos. 21, 24) and for failure to prosecute.

16 It is further ordered that Defendant’s Motion for Summary Judgment (ECF
17 No. 32) is moot.

18 The Clerk of Court is respectfully directed to enter judgment and close this
19 case.

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21 DATED THIS 3rd Day of April, 2023.

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24 _____
25 ANNE R. TRAUM
26 UNITED STATES DISTRICT JUDGE
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